

Aug 17. 2004 2:04PM BASF SOUTHFIELD PATENT DEPT

No.1758 P. 1

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PATENT
(Docket No. IN-5530)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Bernhard LETTMAN

Serial No.: 10/018,336

Filed: October 30, 2001

For: Aqueous Coating Material and
Modular System for Producing Same

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 1711

Examiner: Umakant K. Rajguru

I hereby certify that the attached correspondence is being transmitted
via facsimile addressed to Commissioner for Patents, PO BOX 1450,
Alexandria, VA 22313-1450, on the date shown below to facsimile
number 1-703-872-9306.

17 August 2004 mfj
Date Michael Morgan

OFFICIAL

TRANSMITTAL SHEET

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CONDITIONAL PETITION FOR EXTENSION OF TIME

Applicant believes that no extension of time is required. This conditional petition of time is being made, however, to provide for the possibility that applicants have inadvertently overlooked the need for a petition for extension of time. In this event, please charge Deposit Account 23-3425 the necessary extension of time fees. This document is submitted in duplicate.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 any fees necessary for entry of any of the above listed documents. This document is submitted in duplicate.

Respectfully submitted,

Michael F. Morgan
Michael F. Morgan, Esq. (Reg. No. 42,906)
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26701 Telegraph Road
Southfield, MI 48034-2442
Date: 17 August 2004

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BASF SOUTHFIELD PATENT DEPT

No.1758 P. 3

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Commissioner for Patents
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RESPONSE TO OFFICE ACTION

In response to the Office Action mailed on June 2, 2004, Applicant responds through his attorney as follows.

REMARKS

The claims pending in the subject application are 1-15, 17-34, 36, and 39. Reconsideration of this application based on the Remarks presented herein is respectfully requested.

35 U.S.C. §112 REJECTIONS

Claim 14 was rejected under 35 U.S.C. §112, second paragraph. Claim 14 is a claim to a coating. A coating is made from a coating composition. In a coating process, a coating composition is applied to a substrate and a coating is formed. Because a coating structure is known to one of ordinary skill in the art, it is respectfully submitted that claim 14 is not indefinite.

35 U.S.C. §103 REJECTIONS

Claims 1-11, 14, 15, 17-28, 33, 34, 36 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,403,701 to Reusmann et al. in view of EP081994.

In EP081994, there is no motivation to include the composition in combination with the compositions defined by (A1) and (B) in independent claims 1, 2, and 3. Also, in Reusmann '701, there is no motivation to include the composition of EP081994 with components A) and B) defined at column 2, line 61 to column 3, line 3. In order to be combined, these references would need to state (i.e., provide motivation) that the additional element not in the compositions of Reusmann '701 and EP081994 could be included. Because there is no motivation to include the composition of EP081994 in Reusmann '701, it is respectfully submitted that claims 1-11, 14, 15, 17-28, 33, 34, 36 and 39 are patentable over United States Patent No. 6,403,701 to Reusmann et al. in view of EP081994.

In view of the remarks contained above, Applicant respectfully requests reconsideration of the application, withdrawal of the 35 USC §103 and §112 rejections, and requests that a Formal Notice of Allowance be issued for claims 1-15, 17-34, 36, and 39. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

mfd morgan
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Date: 17 August 2004